

Zero-Based Regulation Prospective Analysis

Fill out entire form to the best of your ability, unless submitting a Notice to
Negotiate only fill out 1, 2, and 5

Agency Name: Idaho Department of Lands

Rule Docket Number: 20-0305-2301

1. What is the specific legal authority for this proposed rule?

Statute Section (include direct link)	Is the authority mandatory or discretionary?
Idaho Code § 47-714 – Leases of Navigable River Beds Authorized	Mandatory
Idaho Code § 58-104(6) – State Land Board – Powers and Duties	Discretionary

2. Define the specific problem that the proposed rule is attempting to solve? Can the problem be addressed by non-regulatory measures?

IDAPA 20.03.05 applies to the exploration and extraction of minerals from state-owned navigable waterways. By leasing exclusive rights to the waterways, customers may explore areas without competition. Revenue from leasing and royalties from extracted minerals benefits the endowment and the continued stewardship of public trust land. The proposed changes seek to comply with Executive Order 2020-01.

3. How have other jurisdictions approached the problem this proposed rule intends to address?

a. Is this proposed rule related to any existing federal law?

Federal citation	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

b. How does this proposed rule compare to other state laws?

State	Summary of Law (include direct link)	How is the proposed Idaho rule more stringent? (if applicable)

c. If the Idaho proposed rule has a more stringent requirement than the federal government or the reviewed states, describe the evidence base or unique circumstances that justifies the enhanced requirement:

4. What evidence is there that the rule, as proposed, will solve the problem?

5. What is the anticipated impact of the proposed rule on various stakeholders? Include, how will you involve them in the negotiated rulemaking process?

Category	Potential Impact
Fiscal impact to the state General Fund, any dedicated fund, or federal fund	Increased fees will result in an estimated annual increase of \$905 to the Navigable Waterways Fund, a state dedicated fund. No impacts to General or Federal funds are anticipated.
Impact to Idaho businesses, with special consideration for small businesses	Increased fees will result in an estimated annual increase of \$905 and will allow IDL to cover the costs of administrative work on these leases. This will affect future lessees. All current lessees will be notified of the negotiated rulemaking, and public meetings will be held around the state.
Impact to any local government in Idaho	No impact to local government is anticipated.

6. What cumulative regulatory volume does this proposed rule add?

Category	Impact
Net change in word count	
Net change in restrictive word count	